



RECEIVED

JUN 26 2001

TECH CENTER 1600/2000

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Attorney Docket No.: DIVER1220-2
In re Application of: Jay Short		
Application No: 09/214,645	Filed: 09/27/99	
For: METHOD OF DNA SHUFFLING WITH POLYNUCLEOTIDES PRODUCED BY BLOCKING OR INTERRUPTING A SYNTHESIS OR AMPLIFICATION PROCESS		
Group Art Unit: 1655	Examiner: B. Sisson	

Applicants hereby appeal to the Board of Appeals from the decision dated January 22, 2001 of the Examiner rejecting claims 1-10.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$310.00
	<input checked="" type="checkbox"/>	small entity	\$155.00
		verified statement attached	
	<input checked="" type="checkbox"/>	verified statement previously filed on 09/22/99 in U.S. Application No. 09/214,645.	

2.	<input checked="" type="checkbox"/>	A petition and fee for an extension of time for reply to the rejection is attached.					
		Extension Fee (37 C.F.R. 1.17(a))					
		other than small entity					
		\$110.00	\$380.00	\$870.00	\$1,360.00		
	<input checked="" type="checkbox"/>	small entity					
		verified statement attached					
	<input checked="" type="checkbox"/>	verified statement previously filed on 09/22/99 in U.S. Application No. 09/214,645.					
		\$55.00	X	\$195.00	\$445.00	\$6950.00	

06/26/2001 AMONDAF1 00000075 09214645  
01 FC:219 155.00 OP

Applicant: Jay Short  
Serial No.: 09/214,645  
Filed: September 27, 1999  
Page 2

PATENT  
Attorney Docket No.: DIVER1220-2

**CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date 6-21-01, addressed to: Commissioner for Patents, Washington, D.C. 20231.

Jennifer Vail  
(Name of person mailing paper)

Jennifer Vail  
Signature

6-21-01  
Date

3.	<input checked="" type="checkbox"/>	A check for the sum of \$350.00 is enclosed.
4.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-11355. A copy of the Transmittal Sheet is enclosed.

June 21, 2001  
Date

Lisa A. Haile  
Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Attorney for Applicant  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189

**CERTIFICATION UNDER 37 CFR § 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date June 21, 2001, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

June 21, 2001  
Date

Jennifer Vail  
Signature